IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 1129 of 1999()

CMP.2576/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, NEDUMANGAD

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REVN. PETITIONER:

RAMAKANTHAN
S/O KUTTAN
ROADAIKATHU VEEDU
BOUNDER MUKKU, THEVIYARUKUNNU
KOTTAKKAKOM MURI, VITHURA VILLAGE

BY ADV. SRI.K.SATHEESH KUMAR

RESPONDENTS:

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.1129 of 1999

Dated this the 2nd day of July, 2007

O R D E R

The revision petitioner is the complainant in C.M.P.No. 2576/1998 with respect to the offences alleged under Sections 323, 360 and 307 read with 34 IPC.

2. The allegation is that on 2.4.1998 at about 5 p.m., the accused caused to hit the jeep in which they are travelling on the motor cycle of the complainant and that he was severely beaten up with lathy and kicked. It is the case that he was since then hospitalised up to 15.4.1998. Then he was arrested and remanded to Sub Jail from 15.4.1998 to 25.4.1998. The complaint was filed on 29.6.1998. It is submitted that he has undergone treatment till 27.6.1998. Hence, the delay. The prosecution also examined six witnesses including the doctor.

3. I find that the court below has not considered the above evidence properly. Hence, the order of the court below is set aside. The court below is directed to reconsider the matter afresh and dispose of the matter on merits untrammeled by

any observations contained herein. The matter will be posted before the court below on 6.8.2007

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl